

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

KATHERINE T. BRUSEULAS,
DANNY GARCIA,

Plaintiffs,

v.

No.

DANIEL RAMIREZ,
CON-WAY TRUCKLOAD, INC.,
LOCKTON COMPANIES,

Defendants.

**NOTICE OF REMOVAL TO THE
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TO: UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

COMES NOW Defendant, CON-WAY TRUCKLOAD, INC., by and through its attorneys of record, Butt Thornton & Baehr PC (Paul T. Yarbrough), and as grounds for removal to this Court, states as follows:

1. Plaintiffs, KATHERINE T. BRUSUELAS and DANNY GARCIA, filed this civil action against Defendant in the Second Judicial District Court, County of Bernalillo, State of New Mexico, on August 5, 2009. Copies of the Summons and Complaint are attached hereto as Exhibits A and B, respectively. The case was docketed as *Katherine Brusuelas and Danny Garcia, Plaintiffs vs. Daniel Ramirez, Con-Way Truckload, Inc. and Lockton Companies, Defendants*, No. D-202-CV-200909151.

a. Service was made on Defendant, CON-WAY TRUCKLOAD, INC. on

August 23, 2010.

2. In Plaintiffs' Complaint, they assert a cause of action against Defendant, CON-WAY TRUCKLOAD, INC. for personal injuries due to a motor vehicle accident allegedly caused by the negligence of Con-Way and its employee truck driver, Daniel Ramirez. The accident occurred in the State of New Mexico on Interstate 25 north of Truth or Consequences on March 7, 2008. Both Plaintiffs claim that their personal injuries are of a serious and permanent nature. They also allege claims for punitive damages.

3. The matter in controversy exceeds \$75,000, exclusive of interest and costs and is between citizens of different States.

4. Removal is proper because this Court has jurisdiction over this matter pursuant to 28 USC §§1332 and 1441.

5. Removal is timely because Defendant CON-WAY TRUCKLOAD, INC. was served with the Complaint on August 23, 2010. Therefore, this Notice of Removal is filed within 30 days of service upon Defendant, CON-WAY TRUCKLOAD, INC.

6. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure. See 28 USC § 1446(a).

WHEREFORE, Defendant, CON-WAY TRUCKLOAD, INC., prays that the above-entitled action be removed from the Second Judicial District Court, County of Bernalillo, State of New Mexico, to this United States District Court for the District of New Mexico.

Respectfully submitted,

BUTT THORNTON & BAEHR PC

s/ Paul T. Yarbrough

PAUL T. YARBROUGH
Attorneys for Defendant
Con-Way Truckload, Inc.

I hereby certify that a true copy of
the foregoing Notice of Removal
was mailed to opposing counsel of record
this 21st day of September, 2010:

Kimberly S. Brusuelas, Esq.
August Jonas Rane, Esq.
Brusuelas & Rane, LLC
1015 5th St., N.E.
Albuquerque, NM 87102-2140

s/ Paul T. Yarbrough

PAUL T. YARBROUGH